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EXAMINER	
PARSLEY, DAVID J	
ART UNIT	**PAPER NUMBER**
3643	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/808,773	VOGTS, STEVEN W.	
	Examiner	Art Unit	
	David J. Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 March 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3-25-04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Specification

1. The disclosure is objected to because of the following informalities: the specification indicates the rod blank as reference numeral 40 and the vibration disks as reference numeral 50. However, in the drawing figures the rod blank is indicated as reference numeral 50 and the vibration disks are indicated as reference numeral 60.

Appropriate correction is required.

Drawings

2. The drawings are objected to because in the drawing figures the rod blank is indicated as reference numeral 50 and the vibration disks are indicated as reference numeral 60 which is not consistent with applicant's disclosure which indicates the rod blank as reference numeral 40 and the vibration disks as reference numeral 50. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 8 recites the limitation "the disk blank" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 9, 13, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by GB Patent No. 2264029 to Orme.

Referring to claim 1, Orme discloses a fishing rod handle which comprises, a handle member – at 1,2, the handle member having an internal hollow and an external surface – see for example figures 1-7, a fishing rod blank – at 3, a portion of the fishing rod blank being insertable

within the handle member hollow – see for example figures 1-7, a plurality of vibration disks – at 1, each disk being attachable to that portion of the fishing rod blank – at 3, that is inserted within the hollow handle member – see for example figures 1-7, wherein the vibrations emanating from the rod blank are transferred through the vibration disks and through the handle member to the external surface of the handle member – see for example figures 1-7.

Referring to claim 2, Orme discloses the internal hollow of the handle member comprises a linear aperture defined within the handle member – see at 1-2 in figures 1-7.

Referring to claim 3, Orme discloses the linear aperture has an internal cylindrical wall – see figures 1-7, and the external surface of the handle member is parallel linear with the cylindrical wall – see at 1-2 in figures 1-7.

Referring to claims 5 and 15, Orme discloses each vibration disk – at 1, comprises a flat circular disk member having a central aperture for receiving a portion of the rod blank – at 3, therewithin – see for example figures 1-7.

Referring to claims 9 and 19, Orme discloses the rod blank – at 3, the plurality of vibration disks – at 1, and the handle member – at 1-2, is each constructed of a vibration conductive material – see for example figures 1-7.

Referring to claim 13, Orme discloses a fishing rod handle which comprises, a longitudinally extending handle member – at 1,2, the handle member having an internal hollow defined by an internal surface and an external surface – see for example figures 1-7, a longitudinally extending fishing rod blank – at 3, a portion of the fishing rod blank being insertable within the handle member hollow – see for example figures 1-7, a plurality of vibration disks – at 1, each disk being attachable to that portion of the fishing rod blank – at 3,

that is inserted within the hollow handle member – see for example figures 1-7, wherein the vibrations emanating from the rod blank are transferred through the vibration disks and through the handle member to the external surface of the handle member – see for example figures 1-7.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Potter. Potter discloses a longitudinally extending fishing rod handle which comprises, a handle member – at 5-11, the handle member having an internal hollow defined by an internal surface and an external surface – see for example figures 1-3, a longitudinally extending fishing rod blank – at 12,15 or at 20, a portion of the fishing rod blank being insertable within the handle member hollow – see for example figures 1-3, and a plurality of vibration members – at 16,17, each vibration member being attachable to that portion of the fishing rod blank that is inserted within the hollow handle member – see for example figures 1-3, wherein the vibrations emanating form the rod blank are transferred through the vibration members and through the handle member to the external surface of the handle member – see for example figures 1-3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-9 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,018,923 to Potter in view of EP Patent No. 0445086 to Venturi.

Referring to claim 1, Potter discloses a fishing rod handle which comprises, a handle member – at 5-11, the handle member having an internal hollow and an external surface – see for example figures 1-3, a fishing rod blank – at 12,15 or at 20, a portion of the fishing rod blank being insertable within the handle member hollow – see for example figures 1-3, and a plurality of vibration elements – at 16,17, each vibration element being attachable to that portion of the fishing rod blank that is inserted within the hollow handle member – see for example figures 1-3, wherein the vibrations emanating form the rod blank are transferred through the vibration elements and through the handle member to the external surface of the handle member – see for example figures 1-3. Potter does not disclose the vibration elements are disks. Venturi does disclose the vibration elements – at 1a or 3a, are disks disposed in the fishing rod – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Potter and add the disks of Venturi, so as to allow for the movement of the fishing rod to be limited and controlled during use.

Referring to claim 2, Potter as modified by Venturi further discloses the internal hollow of the handle member comprises a linear aperture defined within the handle member – at 5-11 in figures 1-3 of Potter.

Referring to claim 3, Potter as modified by Venturi further discloses the linear aperture has an internal cylindrical wall – see at 5-11 in figures 1-3 of Potter, and the external surface of the handle member is parallel linear with the cylindrical wall – see at 5-11 in figures 1-3 of Potter.

Referring to claim 5, Potter as modified by Venturi further discloses each vibration disk – at 1a of Venturi, comprises a flat circular disk member having a central aperture for receiving a portion of the rod blank therewithin – see for example figures 1-2 of Venturi.

Referring to claim 6, Potter as modified by Venturi further discloses each vibration disk – at 1a,3a of Venturi, further includes a plurality of prongs – at 1e or 3d, extending outwardly from the flat disk member – at 1a or 3a – see for example figures 1-2 of Venturi.

Referring to claim 7, Potter as modified by Venturi further discloses each vibration disk has a first disk face – see at 1a or 3a of Venturi, and each of the plurality of outwardly extending prongs – at 1e or 3d, is bent toward the first disk face – see for example figures 1-2 of Venturi.

Referring to claim 8, Potter as modified by Venturi further discloses the vibration disks – at 1a and 3a, that are attached to the disk blank are attached such that the prongs of each disk are bent in the same direction – see at 1e and 3d in figures 1-2.

Referring to claim 9, Potter as modified by Venturi further discloses the rod blank – at 12,15 or 20 of Potter and – see figures 1-2 of Venturi, the plurality of vibration elements – at 16,17 Potter and – at 1a or 3a of Venturi, and the handle member – at 5-7 of Potter and – see figures 1-2 of Venturi, is each constructed of a vibration conductive material.

Referring to claim 11, Potter as modified by Venturi further discloses the handle member – at 5, of Potter is constructed of a metal material – see for example page 1 column 1 lines 31-35 of Potter.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orme or Potter a modified by Venturi as applied to claim 1 above, and further in view of U.S. Patent No. 4,467,548 to Tabor. Orme and Potter as modified by Venturi both do not disclose the handle

member hollow has a first open end and a second closed end, and including a nose cone, the nose cone having an axially disposed aperture for receiving a portion of the rod blank therewithin and the nose cone being insertable within the first open end of the handle member hollow. Tabor does disclose the handle member hollow – at 2-22, has a first open end – proximate 1, and a second closed end – at 12-13, and including a nose cone – at 2, the nose cone having an axially disposed aperture for receiving a portion of the rod blank – at 1 – see figure 1, therewithin and the nose cone being insertable within the first open end of the handle member hollow – see for example figure 2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Orme or Potter as modified by Venturi and add the handle member with nose cone of Tabor, so as to securely removably hold the rod blank to the handle member.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orme or Potter as modified by Venturi as applied to claim 9 above, and further in view of U.S. Patent No. 4,631,853 to Brackett et al. Orme and Potter as modified by Venturi both do not disclose the rod blank is constructed of a graphite material. Brackett et al. does disclose the rod blank – at 2, is constructed of a graphite material – see for example column 4 lines 19-30. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Orme or Potter as modified by Venturi and add the rod blank made of a graphite material, so as to allow for the fishing rod to be both flexible and durable for repeated use.

Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orme as applied to claims 9 or 19 above, and further in view of Potter.

Referring to claims 11 and 21, Orme does not disclose the handle is constructed of a metal material. Potter does disclose the handle – at 5, is constructed of a metal material – see for

example page 1 column 1 lines 31-35. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Orme and add the handle constructed of a metal material of Potter, so as to allow for the handle to be stronger and more durable for repeated use.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orme or Potter as modified by Venturi as applied to claim 9 above. Orme and Potter as modified by Venturi both do not disclose the vibration disks are made of metal. However, it would have been obvious to one of ordinary skill in the art to take the device of Orme or Potter as modified by Venturi and add the vibration disks made of metal, so as to allow for the disks to be made stronger and more durable for repeated use.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orme or Potter as applied to claim 13 above, and further in view of U.S. Patent No. 4,467,548 to Tabor. Orme and Potter both do not disclose the handle member hollow has a first open end and a second closed end, and including a nose cone, the nose cone having an axially disposed aperture for receiving a portion of the rod blank therewithin and the nose cone being insertable within the first open end of the handle member hollow. Tabor does disclose the handle member hollow – at 2-22, has a first open end – proximate 1, and a second closed end – at 12-13, and including a nose cone – at 2, the nose cone having an axially disposed aperture for receiving a portion of the rod blank – at 1 – see figure 1, therewithin and the nose cone being insertable within the first open end of the handle member hollow – see for example figure 2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Orme or Potter and add the handle member with nose cone of Tabor, so as to securely removably hold the rod blank to the handle member.

Claims 15-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter as applied to claim 13 above, and further in view of Venturi.

Referring to claim 15, Potter further discloses the vibration members – at 16,17, have a central aperture for receiving the rod blank therethrough – see for example at 15-17 and 16',17',20 – see for example figures 1-3. Potter does not disclose each vibration member comprises a flat circular disk member. Venturi does disclose each vibration disk – at 1a, 3a, comprises a flat circular disk member having a central aperture for receiving a portion of the rod blank therewithin – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Potter and add the vibration members are flat disks of Venturi, so as to allow for the movement of the fishing rod to be limited and controlled during use.

Referring to claim 16, Potter as modified by Venturi further discloses each vibration disk – at 1a,3a of Venturi, further includes a plurality of prongs – at 1e or 3d, extending outwardly from the flat disk member – at 1a or 3a – see for example figures 1-2 of Venturi.

Referring to claim 17, Potter as modified by Venturi further discloses each vibration disk has a first disk face – see at 1a or 3a of Venturi, and each of the plurality of outwardly extending prongs – at 1e or 3d, is bent toward the first disk face – see for example figures 1-2 of Venturi.

Referring to claim 18, Potter as modified by Venturi further discloses the vibration disks – at 1a and 3a, that are attached to the disk blank are attached such that the prongs of each disk are bent in the same direction – see at 1e and 3d in figures 1-2.

Referring to claim 19, Potter as modified by Venturi further discloses the rod blank – at 12,15 or 20 of Potter and – see figures 1-2 of Venturi, the plurality of vibration elements – at

16,17 Potter and – at 1a or 3a of Venturi, and the handle member – at 5-7 of Potter and – see figures 1-2 of Venturi, is each constructed of a vibration conductive material.

Referring to claim 21, Potter as modified by Venturi further discloses the handle member – at 5, of Potter is constructed of a metal material – see for example page 1 column 1 lines 31-35 of Potter.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orme or Potter as modified by Venturi as applied to claim 19 above, and further in view of U.S. Patent No. 4,631,853 to Brackett et al. Orme and Potter as modified by Venturi both do not disclose the rod blank is constructed of a graphite material. Brackett et al. does disclose the rod blank – at 2, is constructed of a graphite material – see for example column 4 lines 19-30. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Orme or Potter as modified by Venturi and add the rod blank made of a graphite material, so as to allow for the fishing rod to be both flexible and durable for repeated use.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orme or Potter as modified by Venturi as applied to claim 19 above. Orme and Potter as modified by Venturi both do not disclose the vibration disks are made of metal. However, it would have been obvious to one of ordinary skill in the art to take the device of Orme or Potter as modified by Venturi and add the vibration disks made of metal, so as to allow for the disks to be made stronger and more durable for repeated use.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to fishing rod handles in general:

U.S. Pat. No. 2,424,430 to Beyer – shows hollow fishing rod handle

U.S. Pat. No. 2,782,547 to McMullin – shows hollow fishing rod handle

U.S. Pat. No. 2,839,864 to Martin – shows rod handle made of disks

U.S. Pat. No. 3,047,974 to Stephens – shows hollow fishing rod handle

U.S. Pat. No. 3,123,931 to Stephens – shows hollow fishing rod handle

U.S. Pat. No. 3,175,321 to Stephens – shows hollow fishing rod handle

U.S. Pat. No. 3,500,570 to Hubbard – shows rod handle with disks

U.S. Pat. No. 4,577,432 to Brackett et al. – shows rod handle made of disks

U.S. Pat. No. 5,355,611 to Dahlberg et al. – shows rod handle with disks

U.S. Pat. No. 5,697,184 to Heller – shows hollow fishing rod handle

U.S. Pat. No. 6,115,955 to Sledge – shows rod handle with disks

U.S. Pat. No. 6,510,645 to Oguri – shows hollow fishing rod handle

JP Pat. No. 2001-80 – shows rod handle with disk

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP

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9/29/05